

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 76-13

Introduced by Council President Freeman at the request of the County Executive  
Legislative Day No. 76-4 Date: February 3, 1976

AN ACT to repeal Ordinance 26 of Harford County, Maryland, heading, "Harford County Grading and Sediment Control", and to add new Chapter 10, heading, "Grading, Sediment Control and Storm Water Management", to the Harford County Code; and to add new Article 1, heading, "General Provisions", to said Chapter 10; said Chapter 10 and Article 1 to stand in lieu of the repealed Ordinance; and Chapter 10 and Article 1 to provide for the establishment of standards for the clearing, grading, filling and water handling on land; for the control of soil erosion, sedimentation and flooding; and to establish procedures by which the standards are to be administered; and to provide penalties for the violation of said Chapter and Article; and generally relating to soil and storm water control in Harford County, Maryland.

By the Council, February 3, 1976

Introduced, read first time, ordered posted and public hearing scheduled

on: March 2, 1976

at: 7:15 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on March 2, 1976 and concluded on March 2, 1976.

Angela Markowski, Secretary

1 Section 1. *Be It Enacted By The County Council Of Harford County,*  
2 *Maryland,* that Ordinance 26 of Harford County, Maryland, heading,  
3 "Harford County Grading and Sediment Control", be, and it is  
4 hereby repealed, and that new Chapter 10, heading, "Grading,  
5 Sediment Control and Storm Water Management", be, and it is  
6 hereby added to the Harford County Code; and that new Article 1,  
7 heading, "General Provisions", be, and it is hereby added to  
8 said Chapter 10 of the Harford County Code, said Chapter and  
9 Article to stand in lieu of the Ordinance repealed, all to read  
10 as follows:

11 CHAPTER 10. GRADING, SEDIMENT CONTROL AND STORM WATER MANAGEMENT.  
12 ARTICLE 1. GENERAL PROVISIONS.

13 Section 10-1. Purpose.

14         The purpose of this Act is to safeguard life, limb,  
15 property and public welfare by establishing minimum requirements  
16 for clearing, grading, filling and water handling on land, for  
17 control of soil erosion, stream bank erosion, sedimentation  
18 and flooding; and to establish procedures by which these  
19 requirements are to be administered and enforced.

20 Section 10-2. Definitions.

21         (a) The words and phrases as used in this Act shall have  
22 the following meanings:

23                 (1) Applicant. Any person, firm, corporation or  
24 governmental agency who executes the necessary forms to procure  
25 official approval of a proposed plan for a project or a permit  
26 to carry out construction of a project.

27                 (2) Developer. A person, firm, corporation or  
28 governmental agency undertaking or proposing the construction of a  
29 building, a project consisting of interrelated buildings, or other  
30 construction, and who is primarily financially responsible for the  
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1 proposal and the contractors and/or subcontractors engaged by  
2 him to execute the various construction phases.

3 (3) Erosion. The process by which soil is carried  
4 or worn away by the action of wind and/or water.

5 (4) Erosion and Sediment Control Plans. A plan to  
6 minimize erosion on the land of a property owner and the  
7 deposition of sediment onto adjacent property owners. This may  
8 not require detailed grading plans for individual lots in  
9 subdivisions; each case will be studied individually.

10 (5) Floodplain. That area, which would be  
11 inundated by accumulated storm water run-off from a rainfall of  
12 100 year frequency in a totally developed watershed, plus an  
13 additional one foot water elevation, and within which no develop-  
14 ment may take place unless consistent with this Act.

15 (6) Grading. Any stripping, excavation, fill  
16 (including hydraulic fill), stockpiling or other movement or  
17 disposition of earth materials or any combination thereof.

18 (7) Grading Permit. Written authorization to  
19 proceed with provisions of this Act from Harford County Department  
20 of Public Works.

21 (8) Permittee. Any applicant to whom a permit is  
22 issued pursuant to this Act.

23 (9) Sediment. Soils transported by wind or water  
24 as a product or result of erosion.

25 (10) Storm Water Management. Preventing on site and  
26 off site stream bank erosion and flooding as a result of  
27 development's increase in storm water run-off.

28 (11) Watercourse. Any natural or constructed water-  
29 way in which waters flow in a more or less definite direction or  
30 course, either continuously or intermittently; and including the  
31 floodplain as herein defined.  
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1 Section 10-3. Scope.

2 (a) Except as exempted by this Article, no person,  
3 firm or governmental agency shall do any clearing, grading or  
4 filling of land or create borrow pits, quarries or facilities for  
5 processing earthy materials, or any other facility involving the  
6 movement of earth without first obtaining a grading permit from  
7 the Department of Public Works.

8 (b) No public or governmental agency will be exempt  
9 from the requirements of this Act.

10 Section 10-4. Exceptions.

11 (a) No grading permits shall be required for activities  
12 such as normal agricultural practices, such as tillage or  
13 cultivation of the soil in production of crops, trenching for  
14 utility work, on public rights-of-way or in the space on abutting  
15 lot(s) needed to accommodate the respective house connections,  
16 provided, however, that grading or trenching involved does not  
17 modify the natural terrain. Proper agricultural practices shall  
18 include buffer grass strips along County highways and drainage  
19 swales for storm water run-off. If the Department of Public Works  
20 determines that the excavation, embankment or fill referred to in  
21 this paragraph endangers or adversely affects the safety, use or  
22 soil stability of any public or private property, or if in any  
23 way the work does not comply with the requirements of this Act,  
24 they shall promptly notify the owner of the property upon which  
25 said condition exists.

26 (b) If the correction is not completed in accordance with  
27 the provisions of this Act within the period of time specified  
28 in said notice, the owner shall be subject to the penalties  
29 set forth in this Act.

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1 Section 10-5. Permits and Fees.

2 (a) Prior to issuance of a grading permit to an  
3 applicant, review and approval of the proposed construction must be  
4 completed by the Department of Public Works and Soil Conservation  
5 District. Technical advice concerning erosion, sediment control  
6 measures and storm water management will be given at such  
7 reviews.

8 (b) Permits and Procedures for Sediment Control:

9 (1) The applicant will be required to provide  
10 erosion and sediment control plans, specifications and/or special  
11 provisions in accordance with the standards established by the  
12 Department of Public Works. The Soil Conservation Service  
13 handbook, "Standards and Specifications for Soil Erosion and  
14 Sediment Control in Urbanizing Areas", obtained at the Soil  
15 Conservation District Office shall serve as a technical guide  
16 for erosion and sediment control in Harford County. These plans  
17 shall be reviewed and approved by the Department of Public Works  
18 and appropriate comments pertinent to each project, in written  
19 form, returned to the applicant, including any comments and/or  
20 requirements of the Soil Conservation District.

21 (2) Erosion and sediment control plans must have  
22 the approval of the Department of Public Works with the  
23 concurrence of the Soil Conservation District.

24 (3) Action to approve or disapprove the final  
25 sediment control plans must be taken within thirty (30) days  
26 from receipt of plan.

27 (c) Permits and Procedures for Storm Water Management:

28 (1) Should conditions in the area so warrant, the  
29 applicant may be required by the Department of Public Works and  
30 the Soil Conservation District to provide Storm Water Management  
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1 Plans. Specifications and/or special provisions will be prepared  
2 in accordance with the standards established by the Department of  
3 Public Works, and the Soil Conservation District. These plans  
4 will be reviewed and approved by the Department of Public Works  
5 and the Soil Conservation District. Comments pertinent to each  
6 project, in written form, shall be transmitted through the  
7 Department of Public Works to the applicant.

8 (2) Storm Water Management Plans which have  
9 ponds shall be designed in accordance with the Water Resources  
10 Law, Storm Water Management Plans and will require a separate  
11 approval for the pond from the Soil Conservation District.

12 (3) Action to approve or disapprove the final  
13 Storm Water Management Plans will be taken by approval of  
14 authorities within thirty (30) days from receipt of plan.

15 (d) Requirements:

16 (1) Wherever erosion and sediment control and storm  
17 water management measures are necessary, no grading permit or  
18 building permit will be issued until plans are approved by the  
19 Soil Conservation District and Department of Public Works.

20 (2) Erosion and sediment control requirements shall  
21 be a part of the Public Works Agreement if a Public Works  
22 Agreement is executed, but shall be included in the four percent  
23 (4%) inspection fee.

24 (3) Nothing under this Act shall be construed to  
25 relieve the applicant from securing any additional permits  
26 required by law.

27 Section 10-6. Floodplain Hazard.

28 (a) No grading permit shall be issued for work with the  
29 100 year flood plain of any stream or watercourse, with a water-  
30 shed of greater than 400 acres, unless such work is authorized or  
31 permitted by the Department of Water Resources.

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1 Section 10-7. Conditions of Approval.

2 Harford County Department of Public Works reserves the  
3 right to impose such conditions on the grading permit as may be  
4 reasonable to prevent creation of a nuisance or conditions adverse  
5 to the public health, safety and welfare.

6 Section 10-8. Bond or Cash Deposits.

7 The County shall issue all grading permits and may,  
8 depending on the nature of the grading, require a cash deposit  
9 or performance bond from an approved corporate surety bondsman  
10 or other collateral, of sufficient amounts to guarantee and assure  
11 that the site will be restored to a condition meeting minimum  
12 requirements of this Act.

13 Section 10-9. Permit Revocation.

14 In the event that the work does not conform to the  
15 conditions of the permit, a written notice to comply shall be  
16 given to the permittee. Such notice shall set forth the nature  
17 of the corrections required and the time within which corrections  
18 shall be made. Failure to comply with such written notice shall  
19 authorize the County to revoke the permit and stop any work other  
20 than that necessary to perform the corrective action.

21 Section 10-10. Time Limitations.

22 A grading permit shall be valid for one (1) year from  
23 the date of issuance or for such longer period of time as may be  
24 specified therein. The Department of Public Works may grant an  
25 extension of time for completion of the work called for in the  
26 permit provided the applicant can show just cause for the  
27 extension.

28 Section 10-11. Permittee Responsibility.

29 The permittee is responsible for preventing damage to  
30 property and persons, for removing machinery, unused and waste  
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1 materials from property, streets and watercourses, and for  
2 maintaining protective measures as required under the permit.  
3 Harford County, Maryland, by issuing the permit, assumes no  
4 liability for work done thereunder nor is it responsible for any  
5 damage done to any property or person by reason of work done or  
6 not done under the permit.

7 Section 10-12. Inspection and Enforcement.

8 (a) Inspection:

9 Inspection shall be the responsibility of the  
10 Department of Public Works. County inspectors shall have the  
11 right to enter all premises subject to this Article for the  
12 purpose of enforcement of this Article. Final inspection reports  
13 will be forwarded to the Office of the Soil Conservation District.  
14 A copy of the notice of any violation shall also be forwarded to  
15 the Department of Natural Resources and shall be in accordance  
16 with published established practices.

17 (b) Enforcement:

18 Any violation of this Act shall be a misdemeanor  
19 punishable by fine of not more than one thousand dollars  
20 (\$1,000.00) or six (6) months imprisonment for each and every  
21 violation, or both fine and imprisonment, in the discretion of  
22 the Court.

23 (c) Injunctive Relief.

24 In addition to all remedies provided by law, Harford  
25 County shall have the right of injunctive relief against a  
26 violator requiring correction or elimination of any violation.  
27 Section 2. *And Be It Further Enacted*, that if any provision  
28 or provisions of this Act, or the particular application thereof,  
29 shall be held to be invalid, the remaining provisions and their  
30 application shall not be affected thereby. Should any provision  
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1 hereof be inconsistent with any rule, regulation or policy of  
2 any other agency having jurisdiction, such provision shall be  
3 invalid, but the remaining provisions and their application  
4 shall not be affected thereby.

5 Section 3. *And Be It Further Enacted*, that this Act shall take  
6 effect sixty (60) days from the date it becomes law.

7 EFFECTIVE:  
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10 The Secretary of the Council does hereby  
11 certify that fifteen (15) copies of this bill  
12 ~~are~~ immediately available for distribution to  
13 ~~the~~ public and the press.

14 *Angela Markowski*  
15 Secretary  
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